

REMARKS

Claims 2-11 and 13-19 are pending in the present application. Claims 2-6, 8-10, 13, 15 and 16 have been amended, claims 1 and 12 have been canceled and claims 18 and 19 have been added. The specification has been amended. Reconsideration of this application, as amended, is respectfully requested.

Election/Restriction

In the Examiner's Office Action dated March 11, 2005, the Examiner has withdrawn the Restriction Requirement of November 16, 2004 and has examined all of the claims pending in the present application. Applicants greatly appreciate this action by the Examiner.

Objection to the Drawings and Specification

The drawings and specification stand objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because reference numeral 85 that appears in FIG. 7 does not appear in the specification. In addition, the specification stands objected to due to the reference to the claims appearing therein.

As the Examiner will note, page 7, lines 11-14 have been canceled and page 22, line 11 has been amended to reference step 85. In view of this, the Examiner's objections to

the drawings and specification have been obviated. Reconsideration and withdrawal of the drawings and specification objections are respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 1-3, 8, 9, 11-14 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Klingenbeck et al., USPN 4,798,209 in view of Svenson et al., USPN 6,026,173. This rejection is respectfully traversed.

At the outset, it is respectfully pointed out to the Examiner that independent claims 1 and 12 have been canceled. In view of this, the Examiner's rejection under 35 U.S.C. § 103 has been rendered moot with regard to these claims.

With regard to claims 2, 3, 8, 9, 11, 13, 14 and 16, Applicants respectfully submit that these claims clearly define over the combination of references relied on by the Examiner. With specific regard to dependent claims 3, 8, 9, 11, 13, 14 and 16, Applicants submit that these claims now depend, either directly or indirectly, on subject matter considered by the Examiner to be allowable. In view of this, these claims should be in condition for allowance.

With regard to dependent claim 2, this claim has been rewritten in independent form to include all of the subject matter of independent claim 1. Applicants respectfully submit that claim 2 clearly defines the present invention over the combination of references relied on by the Examiner.

Specifically, the Examiner has asserted that the memory devices 23, 25, 27 and 45 of Klingenbeck et al. are sufficient to teach the memory recited in independent claim 2 of the present invention. Applicants submit that the Examiner does not appreciate that the memory in the present invention replaces the image device, since the memory includes information regarding the 3D contour of the material. The memories present in Klingenbeck et al. are used for calculation purposes and do not contain any pre-stored information which are used for calculation of the dialectic distribution of the material as recited in independent claim 2. Specifically, independent claim 2 recites "an image device arranged to send information to said analyser to create a three dimensional contour of the material, wherein said image device is a memory having stored information regarding the three dimensional contour of the material." Since the memories 23, 25, 27 and 45 of Klingenbeck et al. have nothing to do with the three dimensional contour of the material, Applicants submit that the combination of references relied on by the Examiner fail to render obvious the present invention as recited in independent claim 2.

In view of the above amendments and remarks, Applicants respectfully submit that claims 2, 3, 8, 9, 11, 13, 14 and 16 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 103 are respectfully requested.

Allowable Subject Matter

Claims 4-7, 10, 15 and 17 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants greatly appreciate the indication of allowable subject matter by the Examiner.

By the present amendment, dependent claims 4, 6 and 15 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. In addition, the subject matter of dependent claim 10 has been presented as new independent claim 18, which includes the subject matter of original claim 1 and intervening claim 9. Furthermore, dependent claim 17 has been added to recite the subject matter of claim 17, but is dependent on claim 18.

In view of the above amendments and remarks, Applicants submit that all of the claims in the present application are in condition for allowance. Accordingly, Favorable consideration and allowance of the above-identified application are therefore respectfully requested.

CONCLUSION

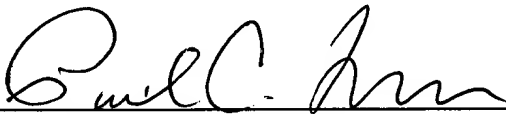
All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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